

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	
Katsumi SHIBAYAMA)	Confirmation No.: 1018
)	
U.S. Application No.: 10/590,510)	Group Art Unit: 2893
)	
Filed: June 5, 2007)	Examiner: Ngan V. Ngo
)	
For: INFRARED SENSOR AND METHOD OF)	
PRODUCING THE SAME)	

Commissioner for Patents
U.S. Patent and Trademark Office
Customer Window, Mail Stop Amendment
Alexandria, VA 22314

Sir:

RESPONSE TO RESTRICTION/ELECTION REQUIREMENT

In an Office Action dated May 19, 2009, the period for response to which extends through July 20, 2009 (July 19, 2009 being a Sunday) by the concurrently-filed petition for a one-month extension of time and corresponding fee payment, the Examiner required restriction under 35 U.S.C. § 121 between the claims of Group I (claims 1-5) allegedly drawn to “a semiconductor device,” and Group II (claims 6-7) allegedly drawn to “a process for making a semiconductor device.”

Applicant hereby elects Group II (claims 6-7) for examination.

Applicant respectfully requests formal examination of this application.

Applicant respectfully submits that no fee is due in connection with the filing of this response. However, if there are any fees due in connection with the filing of this response, **except** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by

this paper to charge any such fees during the entire pendency of this application, including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required and including any required extension of time fees, *or* credit any overpayment to Deposit Account No. 50-0573. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

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Dated: July 6, 2009

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